

## **AGENDA**

### **COMMITTEE ON ACCOUNTS, ENROLLMENT AND REVENUE ADMINISTRATION**

**November 28, 2006  
Aldermen Pinard, Thibault,  
Smith, DeVries, Long**

**Upon Recess of BMA  
Aldermanic Chambers  
City Hall (3<sup>rd</sup> Floor)**

1. Chairman Pinard calls the meeting to order.
2. The Clerk calls the roll.
3. Chairman Pinard advises that Ordinances are to be considered for consistency with the rules of the Board, and required laws, and requests the Clerk to make a presentation relative to the Ordinances:

“Amending Section 33.047 (Probationary Period) of the Code of Ordinances of the City of Manchester.”

“Amending Section 33.048 (Advancements Within Pay Range) of the Code of Ordinances of the City of Manchester.”

“Amending the Zoning Ordinance of the City of Manchester by establishing the Manchester Landfill Groundwater Management Zone (ML-GMZ) Overlay district to monitor groundwater quality in the vicinity of Dunbarton Road and Front Street.”

“Amending the Zoning Ordinance of the City of Manchester by establishing the Lake Massabesic Protection Overlay District (LMPOD) to protect the Lake Massabesic drinking water supply in the City of Manchester.”

“Amending the Code of Ordinances of the City of Manchester by adding sections and changing language to 70.06, 70.48 and 70.78 providing for Pay and Display Meters, Procedures, Enforcement and Penalties.”

4. Chairman Pinard advises that a presentation having been made, if all is in order, a motion is in order to advise that the Ordinances presented are properly enrolled.
5. If there is no further business, a motion is in order to adjourn.

# City of Manchester New Hampshire

*In the year Two Thousand and*

six

## AN ORDINANCE

"Amending Section 33.047 (Probationary Period) of the Code of Ordinances of the City of Manchester."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

- I. Amend Section 33.047, Probationary Period of the Code of Ordinances of the City of Manchester by deleting language stricken (---) and inserting new language as bolded (**bold**). Language of Section 33.047 not struck through or bolded remains unchanged.

### 33.047 PROBATIONARY PERIOD

~~After initial appointment or promotion to a position covered by 33.020 through 33.082 of this chapter, the first six months of service in the position to which appointed or promoted shall be considered the period of probation, except uniformed Fire Department personnel and entrance level police personnel whose probation periods shall be for 12 months; provided however, that such fire and police personnel shall be eligible for pay advancement after six months employment, upon the recommendation of the department head. In the event an employee is not meeting the work standard, the probationary period may be extended up to an additional six months not to exceed a total of twelve months probation. During the period of extended probation, the employee shall not be eligible for a step increase until such time as the employee has satisfactorily completed the extended probationary period. At the completion of the probationary period, the employee shall be eligible for a one step increase. In the event the employee does not meet the work standard at the conclusion of the first six months or at the conclusion of the extended probationary period, he shall be separated from the service, except that, in the case of promotion from a lower position, he shall revert to such lower position with the rate of pay to which he would have been entitled had he continued to serve in such lower position without promotion.~~

### 33.047 INITIAL PROBATIONARY PERIOD

(A) Upon appointment to a regular full time position, the first six months of service in the position shall be considered the initial probationary period, except uniformed Fire Department personnel and police personnel whose initial probationary periods shall be for 12 months.

(B) In the event an employee is not meeting the work standard, the probationary period may be extended up to an additional six months not to exceed a total of twelve months probation.

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## AN ORDINANCE

"Amending Section 33.047 (Probationary Period) of the Code of Ordinances of the City of Manchester."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

- ( C )      In the event an employee does not meet the work standard at the conclusion of the first six months or at the conclusion of the extended probationary period, he shall be separated from service except in the case of a promotional probationary period, all efforts will be made to return said employee to his former position if such position is available.

- II.      This Ordinance shall take effect upon its passage and all Ordinances or parts of Ordinances inconsistent therewith are hereby repealed.

# City of Manchester New Hampshire

*In the year Two Thousand and*

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## AN ORDINANCE

"Amending Section 33.048 (Advancements Within Pay Range) of the Code of Ordinances of the City of Manchester."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

- I. Amend Section 33.048 Advancements Within Pay Range of the Code of Ordinances of the City of Manchester by deleting language stricken (---) and inserting new language as bolded (**bold**). Language of Section 33.048 not struck through or bolded remains unchanged.

### 33.048 ADVANCEMENTS WITHIN PAY RANGE

- (A) *Initial hire.* An employee whose entrance is at a rate of pay below the maximum of the base range may be advanced one step in the appropriate range effective the date of the successful completion of the initial probationary period. Such advancement may be recommended by the department head and approved by the Human Resources Director or Human Resources and Insurance Committee.

### 33.048 ADVANCEMENTS WITHIN PAY RANGE

- (A) *Initial hire.* An employee whose entrance is at a rate of pay below the maximum of the base range may be advanced one step in the appropriate range effective the date of the successful completion of the initial probationary period. Such advancement may be recommended by the department head and approved by the Human Resources Director or Human Resources and Insurance Committee.

- (1) **Although Police and Fire personnel serve a twelve month initial probationary period, such personnel shall be eligible for pay advancement after six months of employment upon the recommendation of the department head.**

- II. This Ordinance shall take effect upon its passage and all Ordinances or parts of Ordinances inconsistent therewith are hereby repealed.

# City of Manchester New Hampshire

*In the year Two Thousand and Six*

## AN ORDINANCE

“Amending the Zoning Ordinance of the City of Manchester by establishing the Manchester Landfill Groundwater Management Zone (ML-GMZ) Overlay district to monitor groundwater quality in the vicinity of Dunbarton Road and Front Street.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

SECTION I. Amending the Zoning Ordinance of the City of Manchester by establishing the Manchester Landfill Groundwater Management Zone (ML-GMZ) Overlay District to monitor groundwater quality in the vicinity of Dunbarton Road and Front Street.

### SECTION II. **Article 3.03 Definition of Terms**

Groundwater: Subsurface water that occurs beneath the water table in soils and geologic formations.

Groundwater Management Zone: Designated by the State through permit process as a component of the remediation of contaminated groundwater. The State shall issue permits or other similar controls for such zones that establish a time period and process for the remediation of the groundwater.

### SECTION III. **Article 4.01 B Overlay Districts**

#### 4.01 B. 9 Manchester Landfill Groundwater Management Zone (ML-GMZ)

The purpose of this overlay district is to protect public health by restricting groundwater use. The groundwater quality is being monitored under a permit issued by New Hampshire Department of Environmental Services (NHDES). Pumping of groundwater from any well, trench, or other structure for residential, irrigation, agricultural, or industrial purpose is prohibited, unless it is for the specific purpose of pumping groundwater out of a sump to keep a cellar from flooding. The extent of the District shall be as referenced by NHDES Permit as the Manchester Landfill Groundwater Management Zone.

### SECTION IV. **Article 4.02 Official Zoning Maps**

4.02.A “....In addition to the base districts, the map includes the *Residential–Professional Office (R-PO) Overlay districts* and the *Historic Districts Overlay districts*, the *Arena Overlay district*, and the *Manchester Landfill-Groundwater Management Zone (ML-GMZ) Overlay district*. The Airport Navigational....”

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## AN ORDINANCE

“Amending the Zoning Ordinance of the City of Manchester by establishing the Manchester Landfill Groundwater Management Zone (ML-GMZ) Overlay district to monitor groundwater quality in the vicinity of Dunbarton Road and Front Street.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

### SECTION V. **Article 7 Special District-Wide Regulations**

#### 7.10 Manchester Landfill Groundwater Management Zone (ML-GMZ)

##### A. Authority for the ML-GMZ Overlay

The Manchester Landfill Groundwater Management Zone is adopted pursuant to Section 1.03, Authority, of this Ordinance, and in accordance with the provisions of RSA 674:21, Innovative Land Use Controls. Monitoring wells and surface water sampling stations constitute remediation activities and ML-GMZ Overlay district is considered to be an innovative land use control as environmental characteristics zoning.

##### B. Establishment of the ML-GMZ Overlay

The Manchester Landfill Groundwater Management Zone Overlay is established in accordance with, and for the purposes so stated in Section 4.01, Establishment and Purpose of Districts, of this Ordinance. It encompasses lands in NHDES Manchester Landfill Groundwater Management Zone Permit as indicated on the Overlay Map Manchester Landfill Groundwater Management Zone adopted pursuant to Section 4.02 (A) Official Zoning Base District Map, of this Ordinance.

The Manchester Landfill Groundwater Management Zone Overlay Map displays those parcels effected by groundwater contamination by virtue of lying downgradient of the City landfill. Withdrawal of groundwater from this area is prohibited (see Article 4.01 B.9) in the interest of public health, safety, and general welfare. The area contains monitoring wells and surface water sampling stations that survey the remediation of degraded groundwater supplies. The extent of the area is referenced by NHDES Permit.

##### C. Uses Prohibited within the ML-GMZ Overlay

Pumping of groundwater from any well, trench, sump, or other structure for residential, irrigation, agricultural, or industrial purpose is prohibited, unless it is for the specific purpose of pumping groundwater out of a sump to keep a cellar from flooding.

SECTION VI. Resolve this ordinance shall take effect upon passage.

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## AN ORDINANCE

“Amending the Zoning Ordinance of the City of Manchester by establishing the Lake Massabesic Protection Overlay District (LMPD) to protect the Lake Massabesic drinking water supply in the City of Manchester.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester,  
as follows:

SECTION 1. Amending the Zoning Ordinance of the City of Manchester by establishing the Lake Massabesic Protection Overlay District (LMPD) to protect the Lake Massabesic drinking water supply in the City of Manchester.

### SECTION II. Article 4.01 B Overlay Districts

#### Article 4.01(B) 10 Lake Massabesic Protection Overlay District (LMPD)

The purpose of this overlay district is to protect the Lake Massabesic drinking water supply to the City of Manchester.

### SECTION III. Article 4.02 Official Zoning Maps

4.02 (A) “... the Historic Districts Overlay districts, the Arena Overlay District, the Manchester Landfill Groundwater Management Zone Overlay District, and the Lake Massabesic Protection Overlay District.”

### SECTION IV. Article 7 Special District-Wide Regulations

#### 7.11 Lake Massabesic Protection Overlay District (LMPD)

##### A. Authority for the Lake Massabesic Protection Overlay District

The Lake Massabesic Protection Overlay District is adopted pursuant to Section 1.03, Authority, of this Ordinance, and in accordance with the provisions of RSA 674:21, Innovative Land Use Controls.

##### B. Establishment of the Lake Massabesic Protection Overlay District

The Lake Massabesic Protection Overlay District includes the entire Lake Massabesic watershed located in Manchester. This area is called out to avoid impacts that may affect the drinking water supply over the long term, addressing such issues as stormwater contamination, imperviousness, steep slope disturbance and other land use activities that could potentially be a nonpoint source water quality issue or diminish surface water recharge. EPA Phase II Stormwater Regulation criteria applies to all development creating disturbance to land in the Lake Massabesic Protection Zone.

##### C. Prohibitions within the Lake Massabesic Protection Overlay District

1. Regardless of the underlying zone, the following land uses, as listed in Article 5.10 Table of Principal Uses and Table 5.11 Table of Accessory Uses are deemed incompatible with the intent of and prohibited in the Lake Massabesic Protection Overlay District:



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## AN ORDINANCE

“Amending the Zoning Ordinance of the City of Manchester by establishing the Lake Massabesic Protection Overlay District (LMPOD) to protect the Lake Massabesic drinking water supply in the City of Manchester.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

Use No.	Use	Critical
E.1	Taxi, bus, rail terminal	X
I.1	Sales or rental of motor vehicles	X
I.2	Sales, rental, repair of boats, etc	X
I.3	Sales, rental, repair of heavy eq.	X
I.4	Automotive repair	X
I.5	Automotive service station	X
I.6	Carwashes and car care centers	X
M.2	Accessory outside storage ind	X
M.3	Accessory manufacturing use	X

2. In addition, the following restrictions and/or prohibitions of land uses apply within 50 feet of waterways or wetlands in the Lake Massabesic Protection Overlay District: No impervious surfaces (driveways, parking lots, roads, etc.) The exceptions from this restriction include residential lots of 12,500 square feet or less and commercial/industrial lots of less than one acre in the B-2 Zoning District.

D. Additional Restrictive Policies Pertaining to the Lake Massabesic Protection Overlay District.

In addition to the restrictions listed in this LMPOD, the District is also subject to criteria and guidelines contained in the following documents on file in the City:

- City Stormwater Ordinance (and any subsequent revisions) - Highway Department
- City Stormwater Rules and Regulations (and any subsequent revisions) –Highway Dept.
- Subdivision and Site Plan Regulations (and any subsequent revisions) –Planning Department

**SECTION V. Article 14.02 Powers and Duties of the ZBA**

14.02 (B) 6 “Any proposed non-residential variance request located within the Lake Massabesic Protections Overlay District shall be forwarded to the Manchester Water Works for comment prior to the hearing on the variance.”

SECTION VI. Resolve this ordinance shall take effect upon passage.

# City of Manchester New Hampshire

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## AN ORDINANCE

“Amending the Code of Ordinances of the City of Manchester by adding Sections and changing language to 70.06, 70.48 and 70.78 providing for Pay and Display Meters, Procedures, Enforcement and Penalties.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

I. Amend the Code of Ordinances of the City of Manchester by inserting new language as follows:

### §70.06 DEFINITIONS (ADD NEW)

PAY & DISPLAY METER is a single unit that replaces multiple meters. The motorist pays for parking at the pay station and receives a receipt to be placed face-up on the dashboard of their vehicle. This receipt indicates the start and end of the time purchased.

### §70.48 (ADD NEW SECTION)

#### (C) PAY & DISPLAY METER :

1. Procedure for using Pay & Display Meters
  - (a) Area for pay and display meter parking will be marked with signs, indicating the time zone and where the Pay & Display Meter is located.
  - (b) The motorist may park their vehicle and proceed to the pay station.
  - (c) The motorist has the choice to pay with credit card or US Coins (Dollars, Quarters, Dimes, or Nickels).
  - (d) Minimum credit card transaction is \$1.00.
  - (e) The motorist will receive a Pay & Display Receipt (P&DR) which must be placed face up on the dashboard of their vehicle.
  - (f) The receipt must be visible from both sides of the vehicle.
  - (g) The receipt is valid at any pay & display meter in the city as long as it is not expired or the vehicle has not been parked for longer than the allowed time limit in that particular space.
  - (h) The receipt is only valid on the date issued.
  - (i) Only one receipt is allowed on the vehicle dashboard.
2. Pay & Display Receipts will at minimum have the following printed information:
  - (a) Issued date and time
  - (b) Expiration date and time
  - (c) Machine ID number
  - (d) Receipt number
  - (e) Payment amount
  - (f) City's name
  - (g) Words "PLACE ON DASHBOARD FACE UP"

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“Amending the Code of Ordinances of the City of Manchester by adding Sections and changing language to 70.06, 70.48 and 70.78 providing for Pay and Display Meters, Procedures, Enforcement and Penalties.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

3. Procedure for enforcement:

- (a) A vehicle with no obvious signs of a purchased Pay & Display Receipt (from the current day) placed face up on the dashboard of the vehicle will be issued a parking citation for “Failure to Display Pay & Display Receipt” pursuant to §70.78.
- (b) A vehicle displaying an expired Pay & Display Receipt (current date) will be subject to a parking citation for “Expired Meter” pursuant to §70.78.
- (c) A vehicle not parked wholly within the lines identifying the parking space will be subject to a parking citation for “No Parking Zone” pursuant to §70.78.
- (d) Vehicles are also subject to any time restriction as posted.

4. Out-of-Order Pay and Display Meters.

If a Pay and Display Meter is out-of-order or otherwise inoperable, the motorist will be directed to the nearest alternative Pay and Display Meter to obtain a valid receipt.

§70.78 PENALTY (ADD THE FOLLOWING)

VIOLATION	BASIC PENALTY	AFTER 7 DAYS
Failure to Display Pay & Display Receipt	\$10	\$20

II. Resolved, this ordinance shall take effect upon passage.